

### **REMARKS**

Claims 1-15 are pending in this application. Claims 1, 3, and 9-11 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner objected to claim 8 asserting it is a substantial duplicate of claim 7. The Examiner further rejected claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over Russell et al. (USP 6,703,570) in view of Redford et al. (USP 5,459,489). Applicants respectfully traverse this objection and rejection.

### **Claim Objections**

The Examiner objected to claim 8 asserting it is a substantial duplicate of claim 7. We disagree with the Examiner.

Applicants respectfully submit that claim 8 depends from claim 6. Claim 7 depends from claim 5. Both claims 5 and 6 depend from claim 1. However, claims 5 and 6 recite different elements. As a dependent claim includes all of the elements of the claims from which it depends, claim 8 includes the elements of claims 6 and 1. In contrast, claim 7 includes the elements of claims 5 and 1. As such, claim 8 is not a substantial duplicate of claim 7 as claim 8 includes the elements of claim 6, which are not present in claim 7. As such, Applicants submit that claim 8 is not a substantial duplicate of claim 7.

Further, claim 7 recites the “multiple successive infrared signal pulses” are outputted “over infrared signal output periods which grow longer in descending sequence of frequency of use of individual pen pressure levels as sorted through the sequence input means.”

For example, three successive pulses are outputted for an individual pen pressure level used at the highest frequency. Moreover, for example, four successive pulses are outputted for an individual pen pressure level used at an intermediate frequency. Furthermore, for example, five successive pulses are outputted for an individual pen pressure level used at the lowest frequency.

On the other hand, claim 8 recites that “the infrared signal representing bit data” is outputted “over infrared signal output periods which grow longer in descending sequence of frequency of use of individual pen pressure levels as sorted through the sequence input means.”

For example, a 5-bit infrared signal is used as bit data. In such a case, for example, (00111), (01011), (01101), (01110), (10110), (10101), (10011), (11001), (11010), and (11100) are outputted for an individual pen pressure level used at the highest frequency. Moreover, for example, (11110), (11101), (11011), (10111), and (01111) are outputted for an individual pen pressure level used at an intermediate frequency. Further, for example, (11111) is outputted for an individual pen pressure level used at the lowest frequency.

In this way, the bit data is not necessarily composed of successive pulse. As such, claim 7 is not a substantial duplicate of claim 8.

It is respectfully requested that the outstanding objection be withdrawn.

### **Claim Rejections – 35 U.S.C. §103**

In support of the Examiner’s rejection of claim 1, the Examiner admits that Russell et al. fails to teach or suggest all of the claim elements, including “the input pen further includes sequence input means enabling inputs of a series of pen pressure levels in an order of frequency of use; and the pen pressure information infrared transmission control means controls the infrared transmission means to change the infrared signal in accordance with frequency of use of individual pen pressure levels as sorted through the sequence input means.” The Examiner relies on the teachings of Redford to cure the deficiencies of the teachings of Russell et al., citing to Figs. 5(a) – 5(c); and col. 7, lines 1-6. Applicants respectfully disagree with the Examiner’s characterization of the Redford reference.

The disclosure of Redford is directed to a handheld electronic remote control device. At col. 2, lines 4-29, Redford discloses as follows:

Briefly, a presently preferred embodiment of the present invention is a small hand held unit having orientation sensors, signal processing electronics, power supply and an infrared transmitter contained therein. The sensors include two angular position detectors ... A first angular position detector senses motion about a first axis and provides a first detector output. A second angular position detector senses motion about a second axis oriented at right angles to the first axis, and provides a second detector output. The first and second detector outputs provide responsive inputs to a dividing analog-to-digital converter which transforms the input to a digitally compatible output that is used as an input to a transmit controller which compares the input to a reference signal and provides a modulation output for driving an infrared light source. The resulting infrared light beam then carries the modulation signal to a remote receiver via the apparatus to be controlled. The present invention is used to replace the conventional mouse. The receiver would convert the modulated infrared light beam to a form commensurate with the usual mouse output for compatibility with the usual serial mouse port. The preferred embodiment also includes a plurality of input controls such as "right and left mouse" buttons, a cursor activation button and other control keys.

In Figs. 5(a)- 5(c), Redford discloses timing diagrams illustrating operation of the sensor of the hand held remote control device.

In contrast, the invention of claim 1 provides for a input pen including sequence input means enabling inputs of a series of pen pressure levels in an order of frequency of use; and the pen pressure information infrared transmission control means controlling the infrared transmission means to change the infrared signal in accordance with frequency of use of individual pen pressure levels as sorted through the sequence input means.

The pen of Redford is a remote device wherein remote receivers receive outputs from sensors on the pen to determine motion about a first and second axis. There is no disclosure in Redford that is directed to pen pressure levels. Further there is no disclosure in Redford that is directed to controlling the infrared transmission means to change the infrared signal in accordance with the frequency of use of the individual pen pressure levels.

For at least these reasons, Applicants respectfully submit that Redford fails to cure the deficiencies of the teachings of Russell et al. As neither of the references, either alone or in

combination, teach or suggest all of the claim elements, we believe that claim 1 is not obvious over the references as cited.

It is respectfully submitted that claims 2 and 4-8 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. Applicants further respectfully submit that claim 3 recites sequence input means enabling inputs of a series of pen pressure levels as sorted by frequency of use. This element is similarly recited in claims 9-11. For the reasons noted above, Applicants respectfully submit that Redford fails to cure the deficiencies of the teachings of Russell et al. As such, Applicants maintain that claims 3 and 9-11, together with claims dependent thereon, are not obvious over the references as cited.

### Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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